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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,628	02/05/2001	Roland Mayer	P20358	8314

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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER

HALPERN, MARK

ART UNIT PAPER NUMBER

1731

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/775,628	Applicant(s) MAYER ET AL.	
	Examiner Mark Halpern	Art Unit 1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

P riod for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20,32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20,32 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- 1) Acknowledgement is made of Appeal Brief received 5/19/2003.
- 2) The finality of Office Action of 11/18/2002, is withdrawn in view of the Appeal Brief, and upon reconsideration of art in the prior art.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

- 3) Claims 1-20, are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Claim 1 is missing an element that is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). Claim 1 does not recite a means for slowing down (or speeding up) of the transfer belt at either the delivery region end or at the accepting region end to stretch the transfer belt.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4) Claims 1-20, 32-33, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said transfer belt" in line 13. There is insufficient antecedent basis for the limitation in the claim.

Claim 1 recites the limitation "said accepting element belt" in line 14. There is insufficient antecedent basis for the limitation in the claim.

Claim 7 recites the limitation "said acceptance element" in line 4. There is insufficient antecedent basis for the limitation in the claim.

Claim 8 recites the limitation "said acceptance element" in line 4. There is insufficient antecedent basis for the limitation in the claim.

Claim 19 recites the limitation "said acceptance element" in line 3. There is insufficient antecedent basis for the limitation in the claim.

Claim 32 recites the limitation "said transfer belt" in lines 11 and 17. There is insufficient antecedent basis for the limitation in the claim.

Claim 33 recites the limitation "said transfer belt" in line 1. There is insufficient antecedent basis for the limitation in the claim.

Claim 1 is not clear as to the means that causes a slowing down (or a speeding up) of the transfer belt at either the delivery region end or at the accepting region end.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 5) Claims 1-3, 9-15, 18-20, are rejected under 35 U.S.C. 102(b) as being anticipated by Vallius (5,690,791).

Claims 1-2, 18-20: Vallius discloses an apparatus that includes a transfer belt 17A used for transferring web W from a press section to a dryer section. Traveling on fabric 53 the web W enters an extended nip NP, formed between rolls 20 and 21, and then the web is separated from pick-up fabric 53 and is transferred onto smooth face 21' of press roll 21 to an equalizing nip zone NT (nip NT is formed between press rolls 21 and 31). The web is then transferred onto belt loop 17A, on which run it is possible to compensate for elongation of the web W taking place in the equalizing nip NT in the machine direction and to keep the web W approximately tight. The transfer belt 17A is guided by guide rolls 56 and press roll 31, all located inside the transfer belt loop 17A. The web is then transferred over guide roll 56 to the transfer zone TS where the web W is transferred onto the smooth face 40' of the drying cylinder 40 guided by wire 38 over cylinders 40 and 41 (col. 6, lines 30-40, col. 7, lines 20-51, and Figure 4). The transfer belt 17A of Vallius is an elastic belt of smooth surfaces (col. 8, lines 1-8). The guide rolls 56 are suction rolls (col. 7, lines 20-25). The structure of Vallius anticipates the structure as claimed. The claim lacks a means for slowing (or speeding up) of the

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transfer belt at either the delivery region end or at the accepting region end to stretch the transfer belt. The stretching of the elastic transfer belt is a method and not an apparatus structural limitation, thus no patentable is imparted.

Claim 3: the web is a paper web (Vallius, Abstract).

Claim 9: the transfer belt is arranged to travel between press section (col. 5, lines 1-10) and a drying section (col. 7, lines 20-25).

Claim 10: the fibrous material web is continuously guided by at least one roll or belt is the press section as shown in Figure 4 of Vallius.

Claim 11: there is no open draw as shown in Figure 4 of Vallius.

Claims 12-13: the delivery element of Vallius includes pick-up fabric 53 and rolls 20 and 21 in nip NP, as shown in Figure 4.

Claims 14-15: the accepting element of Vallius includes roll 36 and wire 38, as shown in Figure 4. Also shown are drying cylinders 40 and a reversing suction cylinder 41 (col. 6, line 42 to col. 7, line 67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6) Claims 4-8, 16-17, 32-33, are rejected under 35 U.S.C. 103(a) as being unpatentable over Vallius.

Claims 4, 7-8, 32-33: Vallius discloses an apparatus that includes a transfer belt 17A used for transferring a fibrous web W from a press section to a dryer section. Traveling on fabric 53 the web W enters an extended nip NP, formed between rolls 20 and 21, and then the web is separated from pick-up fabric 53 and is transferred onto smooth face 21' of press roll 21 to an equalizing nip zone NT (nip NT is formed between press rolls 21 and 31). The web is then transferred onto belt loop 17A, on which run it is possible to compensate for elongation of the web W taking place in the equalizing nip NT in the machine direction and to keep the web W approximately tight. The transfer belt 17A is guided by guide rolls 56 and press roll 31, all located inside the transfer belt loop 17A. The web is then transferred over guide roll 56 to the transfer zone TS where the web W is transferred onto the smooth face 40' of the drying cylinder 40 guided by wire 38 over cylinders 40 and 41 (col. 6, lines 30-40, col. 7, lines 20-51, and Figure 4). The transfer belt 17A of Vallius is an elastic belt of smooth surfaces (col. 8, lines 1-8). Vallius fails to disclose that one guide roll is arranged to rotate faster than at least one other guide roll. It would have been obvious, to one skilled in the art at the time the invention was made, that since Vallius teaches that it is possible to employ a difference in speed that stretches the transfer belt 17a (col. 7, lines 8-19), that at least one guide roll of Vallius be arranged to rotate faster than at least one other guide roll. Further, it would have been obvious that said difference in speed be as claimed, especially at the lower end of the range of 0.2 % or of 0.5 %. Furthermore no patentable weight is imparted to claim since it is a method and not an apparatus structural limitation.

Claims 5-6: the guide rolls of Vallius are arranged as claimed, as shown in

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Figures 3-4.

Claims 16-17: it would have been obvious, to one skilled in the art at the time the invention was made, that the transfer belt of Vallius be permeable since Vallius recites that rolls 56 within loop 17A are suction rolls (col. 7, lines 20-25, and Figure 4) pulling on the web through the belt.

Conclusion

7) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 703-305-4522. The examiner can normally be reached on Mon-Fri, (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 703-308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7718 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone no. is 703-308-0651.

MH

Mark Halpern

Patent Examiner

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August 21, 2003



PETER CHIN
PRIMARY EXAMINER